

MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD

MEETING MINUTES February 7, 2003

***** APPROVED - MAY 7, 2003 *****

Members Present:

James A. Fink, Chair
Shirley Mann Gray
The Honorable Darnell Jackson
Catherine Christ Lucas

Members Absent:

Ferne Farber
Michelle Hayes
The Honorable Edward Sosnick

Staff Present:

Debi Cain, Executive Director
Michelle Bynum
Celestine Colton
Carol Hackett Garagiola
Penny Hackett-Evans
Shelia Hankins
Sarah Heuser

Mary Lovik
Julie Lyons
Anna Melbin
Carri Phillips
Karen Porter
Joyce Wright

Guests:

Paula Banks – My Sister's Place, Detroit
Irma Chenevert – My Sister's Place, Detroit
Therese Doud – Sexual Assault Crisis Center, Ypsilanti
Kathy Hagenian - MCADSV
Candice Hamel – YWCA of Greater Flint
Larry Hermen - Centerboard Associates
Michelle Hernandez – Michigan State Police
Mary Keefe - MCADSV
Michael Murphy – Sexual Assault Crisis Center, Ypsilanti
Molly Reno, JD – Ann Arbor
Jim Shaw – Michigan State Police

Welcome and Introductions

The February 7, 2003 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the Kellogg Hotel & Conference Center, East Lansing, MI, convened at 12:00 p.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda and approval of November 11, 2002 board meeting minutes.

MOTION: Moved by C. Lucas to approve the February 7, 2003 agenda and meeting minutes from November 11, 2002. Seconded by S. Mann Gray. Motion carried.

CHAIR'S REPORT

J. Fink asked D. Cain to overview her PMDP draft for 2002/2003. D. Cain noted that the draft materials are separated into two sections: Part I reflects what is agreed to for this years performance appraisal, and Part II reflects what is being set up for next year. The quality and behavioral categories remained the same as last year. The performance objectives were those that the board and J. Beougher collaboratively agreed to last year, and a report on each of those areas is included. J. Fink asked that board members review the materials and provide their feedback to him.

J. Fink asked M. Lovik to review a memorandum she distributed to the board addressing three pieces of proposed legislation. The first bill is HB 4075, which introduces a \$20 filing fee for PPOs. This proposed fee would put us in noncompliance with the requirements of the Violence Against Women Act (VAWA). To be eligible for VAWA funding, PPOs need to be available without charge.

The second bill, HB 4066, would allow issuance of a PPO upon allegation of only one incident of stalking. This bill would amend the stalking PPO statute to allow a court to issue a PPO based on only one alleged threatening incident. As M. Lovik noted in her memorandum, stalking is repetitive threatening or harassing behavior. Eliminating the pattern element from the statute would make the court's fact finding process extremely difficult. Moreover, elimination of the "course of conduct" requirement may run afoul of the constitutional requirement that persons whose behavior is subject to criminal sanctions be given reasonable notice that their behavior is unlawful.

The most complex of the bills reviewed in the memorandum is SB 9, which would add a section to Act 223 of 1976 requiring the crime victims compensation board to reimburse health care providers for services rendered to victims of sexual assault. This bill potentially impacts Michigan's eligibility for federal funding under the Violence Against Women Act, as it conditions a state's eligibility for funding on its payment of "full out-of-pocket costs of forensic medical examinations for victims of sexual assault."

M. Lovik noted several positive effects of SB9. These include relieving survivors of the burden of paying the costs of forensic exams and testing for pregnancy or STDs, and encouraging evidence preservation. Concerns about SB9 include ambiguity over whether the prosecuting attorney must be notified when a health care provider files a claim for reimbursement. M. Lovik noted that much controversy exists over mandatory reporting of sexual assault to law

enforcement agencies.

M. Lovik did indicate a change she'd like made to page 5 of her memorandum, under item B, *Sufficiency of permissible compensation*. The bill would set forth a schedule of limits on compensation, and she had questioned whether this would compromise eligibility for VAWA funding, which doesn't allow caps. However, she noted that the bill contains language stating that no fees in excess of the caps can be passed on to the survivor. M. Lovik also noted that under current law and under SB 9, a person in prison who is sexually assaulted does not qualify for compensation.

Discussion ensued regarding forensic examination compensation funds. The possibility exists that the Office of Violence Against Women might mandate that states establish compensation funds to which healthcare providers would directly submit claims for reimbursement. Massachusetts already has such a fund. This issue will be watched closely, as such a requirement would require Michigan to change its current victim compensation scheme to maintain VAWA funding eligibility.

Further discussion followed. The board has been asked to give an official position to FIA by the end of the month on these three pieces of legislation.

MOTION: Moved by C. Lucas to authorize J. Fink, chair, to reflect the consensus of the board, via communication to the staff, after discussion with board members regarding the legislative recommendations made by M. Lovik. Seconded by S. Mann Gray. Motion carried.

J. Fink discussed the logistics of the May 2003 board meeting currently scheduled to be held in Marquette. The transportation arrangements were to be provided via use of the state plane, but the fee for the plane and pilot was extremely high. While the board acknowledges the importance of visiting friends and constituents in the Upper Peninsula, the state budget issues that currently exist and the time that would be involved in flight don't feasibly allow for the meeting to be held in the UP at this time. It was suggested that the 2-day board retreat in September be held in St. Ignace, thus providing opportunities for people and programs located in the UP to conveniently attend the meeting.

MOTION: Moved by C. Lucas to relocate the May 2003 board meeting to Lansing and consider the Upper Peninsula for the September retreat location. Seconded by S. Mann Gray. Motion carried.

L. Hermen, Centerboard Associates, provided an update regarding the board being featured in an article in the Jossey Bass publication *Board Leadership*. The article will most likely appear in the March/April 2003 edition and may possibly be the cover article.

At the November 2002 meeting, D. Cain raised a question in the Executive Limitation report regarding the monitoring that had been added for consistency with policy governance. D. Cain, K. Porter and L. Hermen were asked to work on this issue. D. Cain asked to move this report to the May meeting.

The Governance Process: Committee Principles

J. Fink announced to the guests that the board operates on the Carver Policy Governance

model and has policies that govern its behavior. A few of these policies are reviewed at each board meeting to see if revisions are needed.

J. Fink reviewed the Committee Principles policy. The date of adoption on the policy is April 3, 2001. J. Fink commented that this is actually a revision date, so the policy will be corrected to reflect the correct date.

There were no further comments on the policy, and no action was necessary.

The Governance Process: Committee Structure

J. Fink reminded the board that after reviewing all the potential committees, it was decided that the only committee needed as a standing committee is the Governance Committee.

There were no further comments on the policy, and no action was necessary.

MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE

Executive Limitations: Communication and Counsel to the Board

D. Cain noted that there are eight sections to this executive limitation, which pertain to the various forms of communication and counsel to the board. She asked the board if the information she presents to them is adequate, and asked for feedback.

MOTION: Moved by C. Lucas to approve the Communication and Counsel to the Board report. Seconded by D. Jackson. Motion carried.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

D. Cain reported that she recently attended a meeting with an advisory group working with the Office of Violence Against Women (OVW) as STOP administrators, coalition staff, or national experts regarding sexual assault issues. Discussion topics included the degree of intent by the Office of Violence Against Women that the STOP offices assume a leadership role within the state to set up a forensic exam fund, how states can address the lack of parity in STOP funds for sexual assault versus domestic violence, the need for more data collection, and increased emphasis on services to underserved populations.

The Muskie Institute, a group hired by the OVW to prepare congressional reports, will be in Michigan the first week of March doing a site visit. They look at discretionary grants that come directly from OVW and the state grants that come from us. We are assisting with convening a meeting at the coalition offices with all of our STOP grantees, and that meeting will be on March 3. This will provide us a chance to highlight our successes in Michigan and to raise any issues we have.

The 25th anniversary reception will be held on Wednesday, May 7 from 12:00 p.m. – 1:00 p.m. in the Capital Rotunda. More details will follow. Because the May board meeting has been moved from Marquette to Lansing, a suggestion was made to move the meeting date up one week so that it can be held in conjunction with the reception.

MOTION: Moved by Judge D. Jackson to change the May 16 board meeting to May 7, with time to be set after consulting with other board members. Seconded by S. Mann Gray. Motion carried.

Next year's STOP allocation is on hold because congress has not appropriated the money.

M. Bynum and K. Porter provided an overview of the STOP Violence Against Women 2003 State Implementation Plan. Each year the federal application process includes new priorities, which VAWA then expects us to incorporate into our state implementation plans. In addition to their 11 purpose areas, different priorities are focused on each year. This year the new priority areas are sexual assault and underserved populations. The implementation plan presented describes the beginning stages of the desired planning process over the next year, based on the board's decisions. Questions and discussion ensued. D. Cain noted the STOP Violence Against Women Formula Grant/Michigan's FY 2003-2005 State Implementation Plan draft that was distributed to board members. This draft plan will be presented at the March Agency Directors meeting and to our state partners. Further board discussion on the STOP Plan will occur at the May board meeting.

D. Cain asked that board members review the written report she provided on a number of key financial and funding issues, including the OVW directive on matching STOP dollars.

Molly Reno, JD, from Ann Arbor was present to provide an educational component regarding the problem of sexual assault of women prisoners by male guards in Michigan prisons. Board members noted their desire to become more proactive in the area of sexual assault and indicated that the information presented will be helpful in setting future priorities.

PUBLIC COMMENT

There was no public comment.

PROCESS EVALUATION

Judge D. Jackson said the meeting went well and things are good.

S. Mann Gray said this was a good meeting, we followed our process and got a lot accomplished, and the educational piece was exceptional.

C. Lucas felt the meeting went well, and noted her desire to review resources to assist with the problem of sexual assault in Michigan prisons.

ADJOURNMENT

The meeting was adjourned at 3:00 p.m.

MOTION: Moved by Judge D. Jackson to adjourn the meeting. Seconded by S. Mann Gray. Motion carried.

Future Meeting Dates

The next MDVPTB meeting will be held on **Wednesday, May 7, 2003** in Lansing.

Future meeting dates: Friday, September 26, 2003

Documents referenced in these minutes may be obtained from Carri Phillips, MDVPTB. She can be reached at (517) 335-6388.

The **WEBPAGE** for the MDVPTB is located at: http://www.michigan.gov/fia/1,1607,7-124-5460_7261---,00.html.

Respectfully submitted,
Carri Phillips